

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 12-4671(L)

Caption [use short title]

Motion for: Motion for Leave to File Joint
Appendix Without Listing Counsel for
All Parties on the Cover

In re Payment Card Interchange Fee and Merchant
Discount Antitrust Litigation

Set forth below precise, complete statement of relief sought:

Order granting leave for Appellants to file
the deferred joint appendix without listing
counsel for all parties on the cover

MOVING PARTY:

☐ Plaintiff

☐ Defendant

☒ Appellant/Petitioner

☐ Appellee/Respondent

OPPOSING PARTY: Appellees

MOVING ATTORNEY: A. Owen Glist

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Carter G. Phillips

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Sidley Austin LLP

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202-736-8000, cphillips@sidley.com

Court-Judge/Agency appealed from: E.D.N.Y., Judge Gleeson

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes

☐ No

(explain): _____

Opposing counsel's position on motion:

☒ Unopposed

☐ Opposed

☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes

☒ No

☐ Don't Know

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?

☐ Yes

☐ No

Has this relief been previously sought in this Court?

☐ Yes

☐ No

Requested return date and explanation of emergency: _____

Is oral argument on motion requested?

☐ Yes

☒ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes

☒ No

If yes, enter date: _____

Signature of Moving Attorney:

/s/ A. Owen Glist

Date: December 9, 2014

Service by: ☒ CM/ECF

☐ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

IN RE PAYMENT CARD
INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION

Nos. 12-4671(L), 12-4708, 12-4765, 13-4719, 13-4750, 13-4751, 13-4752, 14-032, 14-117, 14-119, 14-133, 14-157, 14-159, 14-192, 14-197, 14-219, 14-241, 14-250, 14-266, 14-303, 14-331, 14-349, 14-404 14-422, 14-443, 14-480, 14-497, 14-530, 14-567, 14-584, 14-606, 14-663, 14-837

**UNOPPOSED MOTION FOR LEAVE TO FILE JOINT APPENDIX
WITHOUT LISTING COUNSEL FOR ALL PARTIES ON THE COVER**

Appellants in the above captioned matters respectfully move this Court for an Order granting Appellants leave to file the Joint Appendix without listing counsel for all parties on the cover. All appellants in the above captioned matters join in this request, and Appellees do not oppose.

Rule 32 of the Federal Rules of Appellate Procedure requires that the cover of an appendix contain “the name, office address, and telephone number of counsel representing the party for whom the brief is filed.” Fed. R. App. P. 32(a)(2)(f). In this appeal, the 27 separate appellants or groups of appellants have coordinated with Appellees to prepare a deferred appendix pursuant to this Court’s Orders of May 27, 2014, ECF No. 936, and November 25, 2014, ECF No. 1219. These coordination efforts have been successful: the parties have prepared a single joint

appendix that is being filed concurrently with this motion. Due to the volume and scope of the briefing in this case, however, the deferred appendix consists of 22 volumes. Furthermore, while the 27 separate appellants or groups of appellants have worked together to largely eliminate duplication in briefing, briefs have been submitted by 39 different law firms on behalf of the parties in this case.

Given that (1) the deferred appendix is being submitted on behalf of all parties to this case; (2) 39 law firms would need to be listed on each appendix volume's cover; and (3) the joint appendix consists of 22 volumes, Appellants believe that preparing covers containing "the name, office address, and telephone number of counsel representing the party for whom the brief is filed" would be unnecessarily burdensome and wasteful. Appellants therefore respectfully request leave to file a joint appendix on behalf of all parties without listing counsel for all parties on the cover. The cover would state that the appendix is being "Submitted on Behalf of All Parties."

DATED: New York, New York
December 9, 2014

CONSTANTINE CANNON LLP

By: /s/ A. Owen Glist

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